

Shailaja

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIRCUIT BENCH AT KOLHAPUR

CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.11731 OF 2025

Balkrishna Kisan Kale and another	]	Petitioners
versus		
The State of Maharashtra though		
Its Secretary and others	]	Respondents

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Mr. Kirankumar Phakade i/b Mr. Sagar Mane, for Petitioners.

Mr. Siddheshwar B. Kalel, A.G.P, for Respondent No.1 – State.

Mr. Dilip Bodake, for Respondent No.2.

Mr. Subhashchandra B. Pawar a/w Mr. Suryajeet N. Ravrane, Ms. Shobita Jadhav, Ms. Supriya S. Pawar and Mr. Ashish More, for Respondent No.3.

Mr. Harsh Arun Khot a/w Mr. Arun S. Khot a/w Mr. Nitin Nikam a/w Mr. D.L. Hange a/w Mr. Umang Yadav, for Respondents No.11 to 19.

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**CORAM : M.S. KARNIK &
SHARMILA U. DESHMUKH, JJ**

DATE : 16th OCTOBER, 2025.

ORAL ORDER: [PER M.S. KARNIK, J.]:

1. Heard Mr. Phakade, learned Counsel for the petitioners, Mr. Kalel, learned A.G.P, for respondent No.1 – State, Mr. Bodake, learned Counsel for respondent No.2, Mr. Pawar, learned Counsel for respondent No.3 and Mr. Khot, learned Counsel for respondents No.11 to 19.

2. Challenge in this petition is to the decision/proceeding dated 13th October, 2025 of the respondent No.2 with respect to election of Chairman of the respondent No.3 - Maan Taluka Agricultural Produce Market Committee, Dahiwadi. It is further prayed that respondent No.2 be directed to conduct election of Chairman based on meeting dated 13th October, 2025.

3. Learned Counsel for the petitioners submitted that a meeting was conducted on 13th October, 2025 in terms of the Bye-Laws of the respondent No.3. Our attention is invited to clause 38 of the Bye-Laws which provides for quorum. As per the said rule, seven elected representatives of the Committee are required to constitute a quorum. Learned Counsel submits that in the meeting held on 13th October, 2025, there was a quorum of seven members as there were as many as nine members were present.

4. By the impugned decision dated 13th October, 2025, the respondent No.2 informed that the quorum was not in accordance with the communication dated 9th November, 2022 addressed by the Marketing Directorate, Co-operative, Maharashtra State, Pune in which it was clearly mentioned that Bye-Laws have to be amended to bring quorum in conformity with the amended provisions of section 13 of the Maharashtra Agricultural Produce Marketing (Development and Regulation) Act, 1963. Clause 3 of the communication dated 9th November, 2022 clearly provides that quorum of seven members is not appropriate. As per the amendment, eighteen members

are to constitute the committee in which case quorum should be nine plus one members.

5. Learned Counsel for the petitioners was at pains to point out that elections have to be conducted in accordance with the Bye-Laws which clearly provides quorum of seven members. Learned Counsel for the respondent No.3 submitted that such a communication was never received by the respondent No.3 and, therefore, the Bye-Laws were not amended. However, we find that despite specific directions of the Marketing Directorate dated 9th November, 2022 addressed to the District Deputy Registrar, Co-operative Societies, respondent No.3 did not carry out consequential amendments in the Bye-Laws. It was incumbent on the respondent No.3 to have amended the Bye-Laws to bring it in conformity with the Act.

6. In our opinion, the impugned decision does not suffer from any illegality. We are, therefore, not inclined to interfere with the impugned decision as, in any case, no prejudice has been caused to the petitioners who can always contest the election of Chairman when the next meeting is scheduled.

7. Since the writ petition was pending, the meeting was not held on scheduled date. The next meeting be immediately convened in terms of Bye-Laws as there was no quorum on 13th October, 2025. On such basis election of Chairman be held.

8. The Writ Petition is disposed of in the aforesaid terms. No order as to costs.

[SHARMILA U. DESHMUKH. J.]

[M.S. KARNIK, J.]